

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

**SHAWN FREED,**

Case No. 3:23-cv-00417-MMD-CLB

Plaintiff,

## ORDER

v.

JACOB BALLENSKY, et al.,

## Defendants.

11           Pro se Plaintiff Shawn Freed, who is incarcerated at Northern Nevada Correctional  
12 Center, brought this action against Defendants Jacob Ballensky, Bart Ortiz, Ty Trouten,  
13 and the City of Elko under 42 U.S.C. § 1983. Before the Court is United States Magistrate  
14 Judge Carla Baldwin's Report and Recommendation (ECF No. 10 ("R&R")),  
15 recommending that the Court dismiss this case based upon Freed's failure to notify the  
16 Court of his change of address pursuant to LR IA 3-1. To date, Freed has not filed any  
17 objections to the R&R. For the following reasons, the Court adopts the R&R in full.

18 Because there is no objection, the Court need not conduct *de novo* review, and is  
19 satisfied that Judge Baldwin did not clearly err. See *United States v. Reyna-Tapia*, 328  
20 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and  
21 recommendations is required if, but *only* if, one or both parties file objections to the  
22 findings and recommendations.”).

23 The Court previously ordered Freed to file an amended complaint by November  
24 27, 2023, but this order was returned as undeliverable because Freed had been released  
25 on parole. (ECF Nos. 6, 7.) The Court then ordered Freed to update his address by  
26 November 29, 2023, to avoid having this action dismissed pursuant to Local Rule IA 3-1.  
27 (ECF No. 9.) To date, Freed still has not filed an amended complaint or updated his  
28 mailing address. (ECF No. 11 (noting that the R&R was returned as undeliverable).)

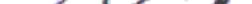
As litigation cannot proceed or be decided on the merits without Freed's participation, Judge Baldwin concluded that all five factors in *Carey v. King* favor dismissal of the case and thus dismissal under Local Rule IA 3-1 is appropriate. (ECF No. 10.) See also 856 F.2d 1439, 1440 (9th Cir. 1988). The Court agrees and is satisfied that Judge Baldwin did not clearly err. Having reviewed the R&R and the record in this case, the Court will adopt the R&R in full.

It is therefore ordered that Judge Baldwin's R&R (ECF No. 10) is accepted and adopted in full.

It is further ordered that this action is dismissed without prejudice.

The Clerk of Court is directed to close this case.

DATED THIS 20<sup>th</sup> Day of December 2023.

  
MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE